

EXHIBIT A

FILED IN OFFICE
CLERK OF SUPERIOR COURT
DOUGHERTY COUNTY, GEORGIA
SUCV2022000531
3091
JUN 29, 2022 03:19 PM

STATE OF ALABAMA

COUNTY OF COFFEE

AFFIDAVIT


Evonne S. Mull, Clerk
Dougherty County, Georgia

In the matter of **Joshua Michael Lunsford vs Bert Walock, Davis Express, Inc. and Arch Insurance Company**, Civil Action File No. SUCV2022000531, before the Superior Court of Dougherty County in the State of Georgia.

I, R. Sengle, being first duly sworn, depose and say that I am over the age of eighteen (18) and not a party to this action, and that within the boundaries of the county and state where service was effected, I was authorized by law to perform said service.

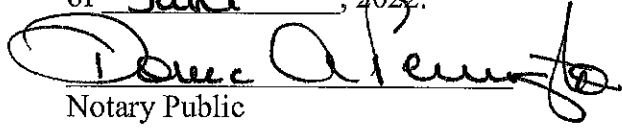
On June 23, 2022 I served the Defendant BERT WALOCK by leaving a Second Original of the Summons and Complaint with Bert Walock.

The method of service, was personal, in-hand.

A True Copy, Attest.


Deputy

Sworn to and subscribed
before me this 23rd day
of June, 2022.


Notary Public

**SUPERIOR COURT OF DOUGHERTY COUNTY
STATE OF GEORGIA**

FILED IN OFFICE
CLERK OF SUPERIOR COURT
DOUGHERTY COUNTY, GEORGIA
SUCV2022000531
3091
MAY 20, 2022 11:13 AM


Evonne S. Mull, Clerk
Dougherty County, Georgia

CIVIL ACTION NUMBER SUCV2022000531
Lunsford, Joshua Michael

PLAINTIFF

VS.

Walock, Bert
Davis Express, Inc.
Arch Insurance Company

DEFENDANTS

SUMMONS

TO: ARCH INSURANCE COMPANY

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

**James Kirtlink
Kenneth S. Nugent, P.C.
208 North Westover Blvd
Albany, Georgia 31707**


an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 20th day of May, 2022.

Clerk of Superior Court


Evonne S. Mull, Clerk
Dougherty County, Georgia

**SUPERIOR COURT OF DOUGHERTY COUNTY
STATE OF GEORGIA**

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CIVIL ACTION NUMBER SUCV2022000531
Lunsford, Joshua Michael

PLAINTIFF

VS.

Walock, Bert
Davis Express, Inc.
Arch Insurance Company

DEFENDANTS

SUMMONS

TO: WALOCK, BERT

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

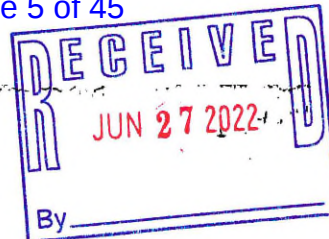
**James Kirtlink
Kenneth S. Nugent, P.C.
208 North Westover Blvd
Albany, Georgia 31707**

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 20th day of May, 2022.

Clerk of Superior Court


Evonne S. Mull, Clerk
Dougherty County, Georgia

Civil Action No. 21CV02210-531Date Filed 5/26/22Superior Court ☒State Court ☐

Georgia, DOUGHERTY COUNTY

Attorney's Address

JAMES ALTHEA KIRK, Esq.
KENNETH S. NUGENT, PC.
208 NORTH WESTVIEW 2ND.
ALBANY, GEORGIA 31707

Joshua Michael LUNSTED

Plaintiff

Name and Address of Party to be Served

Bert Walack
231 COUNTRY ROAD 664 664
Coffee Springs, AL 36015-6617

vs.

Bert Walack
DAVE EXCHANGE
AND ARCH INSURANCE COMPANY

Defendant

Garnishee

SHERIFF'S ENTRY OF SERVICE

PERSONAL

☒ I have this day served the defendant Bert Walack personally with a copy of the within action and summons. summons and complaint

NOTORIOUS

☐ I have this day served the defendant _____ by leaving a copy of the action and summons at his most notorious place of abode in this County.
☐ Delivered same into hands of _____ described as follows age, about _____ years; weight, about _____ pounds; height, about _____ feet and _____ inches, domiciled at the residence of defendant.

CORPORATION

☐ Served the defendant _____ a corporation
☐ by leaving a copy of the within action and summons with _____ in charge of the office and place of doing business of said Corporation in this County.

TACK & MAIL

☐ I have this day served the above styled affidavit and summons on the defendant(s) by posting a copy of the same to the door of the premises designated in said affidavit, and on the same day of such posting by depositing a true copy of same in the United States Mail, First Class in an envelope properly addressed to the defendant(s) at the address shown in said summons, with adequate postage affixed thereon containing notice to the defendant(s) to answer said summons at the place stated in the summons.

NON EST

☐ Diligent search made and defendant _____ not to be found in the jurisdiction of this Court.

This 23 day of June, Yr. 2022

SHERIFF DOCKET _____ PAGE _____

WHITE: Clerk CANARY: Plaintiff Attorney PINK: Defendant

#1924
DEPUTY
DOUGHERTY COUNTY, GEORGIA

Def's copy

SUPERIOR COURT OF DOUGHERTY COUNTY
STATE OF GEORGIA

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CLERK OF SUPERIOR COURT
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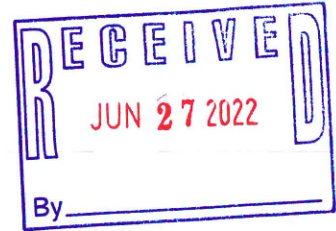
CIVIL ACTION NUMBER SUCV2022000531
Lunsford, Joshua Michael

PLAINTIFF

VS.

Walock, Bert
Davis Express, Inc.
Arch Insurance Company

DEFENDANTS



SUMMONS

TO: WALOCK, BERT

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

James Kirtlink
Kenneth S. Nugent, P.C.
208 North Westover Blvd
Albany, Georgia 31707

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

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Clerk of Superior Court

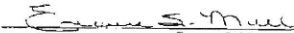

Evonne S. Mull, Clerk
Dougherty County, Georgia

RECEIVED
JUN 21 2022
Coffee Co. Sheriff

IN THE SUPERIOR COURT OF DOUGHERTY COUNTY

STATE OF GEORGIA

FILED IN OFFICE
CLERK OF SUPERIOR COURT
DOUGHERTY COUNTY, GEORGIA
SUCV2022000531
3091
MAY 20, 2022 11:13 AM


Evonne S. Mull, Clerk
Dougherty County, Georgia

JOSHUA MICHAEL LUNSFORD

Plaintiff,

vs.

CIVIL ACTION

FILE NO.: _____

BERT WALOCK,
DAVIS EXPRESS, INC.,
and ARCH INSURANCE COMPANY,

Defendants.

COMPLAINT

COMES NOW, Joshua Michael Lunsford, Plaintiff in the above-styled action and files this, his COMPLAINT against Defendants, BERT WALOCK, DAVIS EXPRESS, INC. and ARCH INSURANCE COMPANY showing the Court the following:

PARTIES, JURISDICTION AND VENUE

1.

Plaintiff, Joshua Michael Lunsford, is now and was at all times relevant to the subject incident, a resident of the State of Georgia.

2.

Defendant, Bert Walock, is a resident of Coffee Springs, Geneva County, Alabama.

3.

Defendant, Davis Express, Inc., is a foreign profit corporation conducting business in the State of Georgia and incorporated in the State of Florida, having a registered agent for service of

process, to wit: Putnam C. Smith, 112 North Main Street, Cumming, Georgia 30040; and said defendant is subject to the jurisdiction and venue of this Court by reason of O.C.G.A. Section 9-10-91 and facts alleged herein.

4.

Defendant Arch Insurance Company, is a foreign insurance company that conducts business in the State of Georgia and incorporated in the State of Missouri, having a registered agent for service of process, to-wit: Corporation Service Company, 2 Sun Court, Suite 400, Peachtree Corners, Georgia 30092 and said defendant is subject to the jurisdiction and venue of this Court by reason of O.C.G.A. Section 9-10-91 and facts alleged herein.

5.

Defendant Davis Express, Inc. qualified as either a motor common carrier or a motor contract carrier under the laws of the State of Georgia; and Davis Express, Inc. was the owner of the tractor-trailer rig which was being operated as such by Defendant, Bert Walock, at all times herein described.

6.

On the day and at the time hereinafter described, Arch Insurance Company had in full force and effect either a policy of motor vehicle liability insurance or a surety bond for protection of members of the general public against injuries and deaths proximately caused by the negligent operation of tractors and trailers by Defendant, Davis Express, Inc. and Defendant, Bert Walock, who was operating the subject vehicle at the time in question, while on public streets, roads and highways; and said Company, having a policy of direct obligation or a surety bond, in

accordance with the laws of the State of Georgia, is liable in this suit.

7.

By virtue of the facts alleged herein, the Superior Court of Dougherty County is the Court of proper jurisdiction and venue in this action as the action upon which this Complaint is based upon occurred in Dougherty County, Georgia.

FACTUAL ALLEGATIONS

8.

On or about December 1, 2021, Defendant, Davis Express, Inc., owned the 2019 Freightliner Cascadia, and the attached trailer, operated by Defendant, Bert Walock, and involved in the subject incident.

9.

On or about December 1, 2021, at or around 5:21 a.m., Defendant, Bert Walock, was operating the above-described tractor-trailer rig and was performing his duties in the course and scope of his employment with Defendant, Davis Express, Inc. and in the prosecution of the business of his employer.

10.

On or about December 1, 2021, at or around 5:21 a.m., Plaintiff, Joshua Michael Lunsford, was traveling west on GA 520B in the left hand lane of travel, near its intersection with Hill Road in Albany, Dougherty County, Georgia.

11.

On the same date, and at the same time, the tractor-trailer rig being driven by Defendant,

Bert Walock, was also traveling west on GA 520B in the left hand lane of travel, near its intersection with Hill Road in Albany, Dougherty County, Georgia.

12.

Defendant, Bert Walock, attempted to make an improper U-turn, thereby causing a collision with the vehicle being operated by Plaintiff, Joshua Michael Lunsford.

13.

Defendant, Bert Walock, failed in his duty to perform a proper visual search and/or recognize and/or react to the hazards presented by the intersection in violation of the Federal Motor Carrier Safety Regulations.

NEGLIGENCE

14.

Plaintiff, Joshua Michael Lunsford, alleges that Defendant, Bert Walock, was negligent and careless in his operation of the tractor-trailer rig he was driving on a Georgia highway.

15.

Defendant, Bert Walock, a commercial driver, breached the duty of care owed to Plaintiff, Joshua Michael Lunsford, in some or all of the following ways:

- 1) Making an improper U-turn, which is negligence per se pursuant to O.C.G.A. §40-6-121;
- 2) Failure to exercise due care in violation of O.C.G.A. §40-6-241 and O.C.G.A. §40-6-241.1;
- 3) Failure to keep his motor vehicle under proper control; and

24.

Defendant, Arch Insurance Company, is responsible for any judgment rendered against Defendant, Davis Express, Inc., and/or Defendant, Bert Walock.

DAMAGES

25.

As a direct and proximate result of the Defendants' negligence, Plaintiff Joshua Michael Lunsford, suffered severe and permanent injuries.

26.

As a direct and proximate result of the Defendants' negligence, Plaintiff Joshua Michael Lunsford, has thus far incurred medical expenses in the amount of \$756,198.80 from medical providers that include, but are not limited to, the following:

A)	Air Evac LifeTeam	\$ 65,442.00
B)	Medical Center of Central Georgia	\$ unknown
C)	Navicent Orthopedic and Trauma Center	\$ unknown
D)	Phoebe Worth Family Medicine	\$ unknown
E)	Central Georgia Rehabilitation Hospital	\$ unknown
F)	Phoebe Worth Medical Center	\$ unknown
G)	Dougherty County EMS	\$ 787.70
H)	Phoebe Putney Memorial Hospital	\$ unknown
I)	Atrium Heath Navicent	\$688,627.10
J)	Phoebe Physician Group	\$ 1,342.00

- | | | |
|----|----------------------|------------|
| K) | Phoebe Home Care | \$ unknown |
| L) | Dr. Robert Blackwell | \$ unknown |

27.

As a direct and proximate result of the Defendants' negligence, Plaintiff, Joshua Michael Lunsford, has suffered damages as a result of his past, present and future pain and suffering in an amount to be determined at the time of trial.

28.

Defendant, Bert Walock's, failure to comply with the minimum standards set out by the Federal Motor Carrier Regulations shows a conscious indifference of the consequence to others and therefore entitled the Plaintiff to punitive damages.

29.

Davis Express, Inc.'s failure to comply with the minimum standards set out by the Federal Motor Carrier Regulations shows a conscious indifference of the consequence to other and therefore entitled the Plaintiff to punitive damages.

Wherefore, Plaintiff prays as follows:

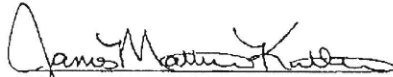
- (a) That process issue and the Defendants be served as required by law,
- (b) A trial by jury,
- (c) Judgment be granted in favor of the Plaintiff and against the Defendants for special damages in an amount to be determined by the enlightened conscience of the jury,
- (d) Judgment be granted in favor of the Plaintiff and against the

Defendant for general damages in an amount to be determined at the time of trial by the enlightened conscience of a fair and impartial jury for Plaintiff's past, present and future pain and suffering;

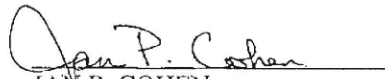
- (e) That judgment be granted in favor of the Plaintiff and against the Defendants for punitive damages in an amount to be determined at the time of trial; and
- (f) That the Plaintiff have such other and further relief that the Court may deem just and proper, as permitted under Georgia law.

Respectfully submitted,

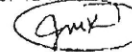
KENNETH S. NUGENT, P.C.


JAMES MATTHEW KIRTLINK
mkirtlink@attorneykennugent.com
State Bar No. 424069
Attorney for Plaintiff

208 North Westover Blvd.
Albany, Georgia 31707
(229) 420-3660


JAN P. COHEN
jcohen@attorneykennugent.com
State Bar No. 174337
Attorney for Plaintiff
*Executed by James Matthew Kirtlink
w/express permission - State Bar No. 424069*

4227 Pleasant Hill Road
Building 11, Suite 300
Duluth, Georgia 30096
(404) 875-0900



STATE OF GEORGIA

Defendants.

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FILE NO.: _____

In the Superior Court of Dougherty County
State of Georgia
Joshua Michael Lunsford vs Bert Walock, Individually and as
an Agent of Davis Express, Inc., Davis Express, Inc. and ARCH Insurance Company
COMPLAINT
Page 1 of 9

process, to wit: Putnam C. Smith, 112 North Main Street, Cumming, Georgia 30040; and said defendant is subject to the jurisdiction and venue of this Court by reason of O.C.G.A. Section 9-10-91 and facts alleged herein.

4.

Defendant Arch Insurance Company, is a foreign insurance company that conducts business in the State of Georgia and incorporated in the State of Missouri, having a registered agent for service of process, to-wit: Corporation Service Company, 2 Sun Court, Suite 400, Peachtree Corners, Georgia 30092 and said defendant is subject to the jurisdiction and venue of this Court by reason of O.C.G.A. Section 9-10-91 and facts alleged herein.

5.

Defendant Davis Express, Inc. qualified as either a motor common carrier or a motor contract carrier under the laws of the State of Georgia; and Davis Express, Inc. was the owner of the tractor-trailer rig which was being operated as such by Defendant, Bert Walock, at all times herein described.

6.

On the day and at the time hereinafter described, Arch Insurance Company had in full force and effect either a policy of motor vehicle liability insurance or a surety bond for protection of members of the general public against injuries and deaths proximately caused by the negligent operation of tractors and trailers by Defendant, Davis Express, Inc. and Defendant, Bert Walock, who was operating the subject vehicle at the time in question, while on public streets, roads and highways; and said Company, having a policy of direct obligation or a surety bond, in

accordance with the laws of the State of Georgia, is liable in this suit.

7.

By virtue of the facts alleged herein, the Superior Court of Dougherty County is the Court of proper jurisdiction and venue in this action as the action upon which this Complaint is based upon occurred in Dougherty County, Georgia.

FACTUAL ALLEGATIONS

8.

On or about December 1, 2021, Defendant, Davis Express, Inc., owned the 2019 Freightliner Cascadia, and the attached trailer, operated by Defendant, Bert Walock, and involved in the subject incident.

9.

On or about December 1, 2021, at or around 5:21 a.m., Defendant, Bert Walock, was operating the above-described tractor-trailer rig and was performing his duties in the course and scope of his employment with Defendant, Davis Express, Inc. and in the prosecution of the business of his employer.

10.

On or about December 1, 2021, at or around 5:21 a.m., Plaintiff, Joshua Michael Lunsford, was traveling west on GA 520B in the left hand lane of travel, near its intersection with Hill Road in Albany, Dougherty County, Georgia.

11.

On the same date, and at the same time, the tractor-trailer rig being driven by Defendant,

Bert Walock, was also traveling west on GA 520B in the left hand lane of travel, near its intersection with Hill Road in Albany, Dougherty County, Georgia.

12.

Defendant, Bert Walock, attempted to make an improper U-turn, thereby causing a collision with the vehicle being operated by Plaintiff, Joshua Michael Lunsford.

13.

Defendant, Bert Walock, failed in his duty to perform a proper visual search and/or recognize and/or react to the hazards presented by the intersection in violation of the Federal Motor Carrier Safety Regulations.

NEGLIGENCE

14.

Plaintiff, Joshua Michael Lunsford, alleges that Defendant, Bert Walock, was negligent and careless in his operation of the tractor-trailer rig he was driving on a Georgia highway.

15.

Defendant, Bert Walock, a commercial driver, breached the duty of care owed to Plaintiff, Joshua Michael Lunsford, in some or all of the following ways:

- 1) Making an improper U-turn, which is negligence per se pursuant to O.C.G.A. §40-6-121;
- 2) Failure to exercise due care in violation of O.C.G.A. §40-6-241 and O.C.G.A. §40-6-241.1;
- 3) Failure to keep his motor vehicle under proper control; and

- 4) Failure to keep a safe look-out while operating a commercial tractor-trailer on a Georgia highway.

16.

Plaintiff, Joshua Michael Lunsford, alleges that Defendant, Davis Express, Inc., a motor carrier, was negligent in failing to implement effective management controls to ensure compliance with the reasonable industry standards of care as required by and in violation of the Federal Motor Carrier Safety Regulations.

17.

Plaintiff, Joshua Michael Lunsford, alleges that Defendant, Davis Express, Inc., was negligent in failing to establish and/or implement a safety program sufficient enough to affect/change/reinforce Defendant Bert Walock's, performance and attitude toward safety as required by and in violation of the Federal Motor Carrier Safety Regulations.

LIABILITY

18.

Defendant, Bert Walock, is directly liable to the Plaintiff, Joshua Michael Lunsford, for his negligence.

19.

Defendant, Davis Express, Inc., is directly liable in this action for any damage or injury caused by Defendant, Bert Walock's, operation of the tractor-trailer rig provided to him by Defendant, Davis Express, Inc., to the same extent Defendant, Bert Walock, is liable.

20.

Defendant, Davis Express, Inc., is vicariously liable under the doctrine of respondeat superior in this action for the negligence of Defendant, Bert Walock, in operating the tractor-trailer rig provided by them over the highways of Georgia, when they knew, or in the existence of ordinary care would have known, Defendant, Bert Walock, was not able to do so safely and it was likely some injury would result if he was permitted to operate their tractor-trailer rig on the highways of Georgia.

21.

Defendant, Davis Express, Inc., a motor carrier is directly liable for negligently hiring and contracting with Defendant, Bert Walock, and failing to comply with Federal Motor Carrier Safety Regulations.

DIRECT ACTION

22.

Defendant, Arch Insurance Company, is subject to a direction action as the insurer of Defendant, Davis Express, Inc., and Defendant, Bert Walock, pursuant to O.C.G.A. Section 40-2-140.

23.

Defendant, Arch Insurance Company, was the insurer of Defendant, Davis Express, Inc., and Defendant, Bert Walock, at the time of the subject incident and issued a liability policy to comply with the filing requirements under Georgia law for inter-intrastate transportation.

24.

Defendant, Arch Insurance Company, is responsible for any judgment rendered against Defendant, Davis Express, Inc., and/or Defendant, Bert Walock.

DAMAGES

25.

As a direct and proximate result of the Defendants' negligence, Plaintiff Joshua Michael Lunsford, suffered severe and permanent injuries.

26.

As a direct and proximate result of the Defendants' negligence, Plaintiff Joshua Michael Lunsford, has thus far incurred medical expenses in the amount of \$756,198.80 from medical providers that include, but are not limited to, the following:

A)	Air Evac LifeTeam	\$ 65,442.00
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I)	Atrium Heath Navicent	\$688,627.10
J)	Phoebe Physician Group	\$ 1,342.00

K)	Phoebe Home Care	\$ unknown
L)	Dr. Robert Blackwell	\$ unknown

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As a direct and proximate result of the Defendants' negligence, Plaintiff, Joshua Michael Lunsford, has suffered damages as a result of his past, present and future pain and suffering in an amount to be determined at the time of trial.

28.

Defendant, Bert Walock's, failure to comply with the minimum standards set out by the Federal Motor Carrier Regulations shows a conscious indifference of the consequence to others and therefore entitled the Plaintiff to punitive damages.

29.

Davis Express, Inc.'s failure to comply with the minimum standards set out by the Federal Motor Carrier Regulations shows a conscious indifference of the consequence to other and therefore entitled the Plaintiff to punitive damages.

Wherefore, Plaintiff prays as follows:

- (a) That process issue and the Defendants be served as required by law,
- (b) A trial by jury,
- (c) Judgment be granted in favor of the Plaintiff and against the Defendants for special damages in an amount to be determined by the enlightened conscience of the jury,
- (d) Judgment be granted in favor of the Plaintiff and against the

Defendant for general damages in an amount to be determined at the time of trial by the enlightened conscience of a fair and impartial jury for Plaintiff's past, present and future pain and suffering;

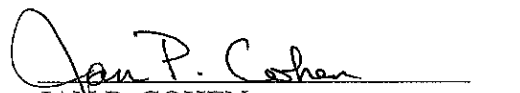
- (e) That judgment be granted in favor of the Plaintiff and against the Defendants for punitive damages in an amount to be determined at the time of trial; and
- (f) That the Plaintiff have such other and further relief that the Court may deem just and proper, as permitted under Georgia law.

Respectfully submitted,

KENNETH S. NUGENT, P.C.


JAMES MATTHEW KIRTLINK
mkirtlink@attorneykennugent.com
State Bar No. 424069
Attorney for Plaintiff

208 North Westover Blvd.
Albany, Georgia 31707
(229) 420-3660


JAN P. COHEN
jcohen@attorneykennugent.com
State Bar No. 174337
Attorney for Plaintiff
*Executed by James Matthew Kirtlink
w/express permission - State Bar No. 424069*

4227 Pleasant Hill Road
Building 11, Suite 300
Duluth, Georgia 30096
(404) 875-0900

Civil Action No. CV202210531
 Date Filed 5/20/2022

Superior Court ☒

State Court ☐

Georgia, DOUGHERTY COUNTY

Attorney's Address

James Matthew Kirtlink, Esq.
 Kenneth J. Nugent, Jr.
 208 North Westover Blvd.
 Albany, Georgia 31707

Joshua Michael Lunsford
 Plaintiff

VS.

Name and Address of Party to be Served

Davis Express, Inc.
112 Main Street
Cumming Georgia 30040

Perth WA, Inc.
Davis Express, Inc.
112 Main Street
 Defendants

Garnishee

SHERIFF'S ENTRY OF SERVICE

PERSONAL

☐ I have this day served the defendant _____ personally with a copy of the within action and summons.

NOTORIOUS

I have this day served the defendant _____ by leaving a copy of the action and summons at his most notorious place of abode in this County.
☐ Delivered same into hands of _____ described as follows age, about _____ years; weight, about _____ pounds; height, about _____ feet and _____ inches, domiciled at the residence of defendant.

CORPORATION

Served the defendant Davis Express, Inc. a corporation
☒ by leaving a copy of the within action and summons with Putnam C. Smith in charge of the office and place of doing business of said Corporation in this County.

TACK & MAIL

I have this day served the above styled affidavit and summons on the defendant(s) by posting a copy of the same to the door of the premises designated in said affidavit, and on the same day of such posting by depositing a true copy of same in the United States Mail, First Class in an envelope properly addressed to the defendant(s) at the address shown in said summons, with adequate postage affixed thereon containing notice to the defendant(s) to answer said summons at the place stated in the summons.

NON EST

☐ Diligent search made and defendant _____ not to be found in the jurisdiction of this Court.

This 6 day of July, Yr. 2022

SHERIFF DOCKET _____ PAGE _____

2022
 DEPUTY
 DOUGHERTY COUNTY, GEORGIA

WHITE: Clerk CANARY: Plaintiff Attorney PINK: Defendant

**SUPERIOR COURT OF DOUGHERTY COUNTY
STATE OF GEORGIA**

FILED IN OFFICE
CLERK OF SUPERIOR COURT
DOUGHERTY COUNTY, GEORGIA
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Evonne S. Mull, Clerk
Dougherty County, Georgia

CIVIL ACTION NUMBER SUCV2022000531
Lunsford, Joshua Michael

PLAINTIFF

VS.

Walock, Bert
Davis Express, Inc.
Arch Insurance Company

DEFENDANTS

SUMMONS

TO: DAVIS EXPRESS, INC.

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

**James Kirtlink
Kenneth S. Nugent, P.C.
208 North Westover Blvd
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This 20th day of May, 2022.

Clerk of Superior Court


Evonne S. Mull, Clerk
Dougherty County, Georgia

In the Superior Court of Dougherty County
State of Georgia
Joshua Michael Lunsford vs Bert Walock, Individually and as
an Agent of Davis Express, Inc., Davis Express, Inc. and ARCH Insurance Company
COMPLAINT
Page 1 of 9

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4.

Defendant Arch Insurance Company, is a foreign insurance company that conducts business in the State of Georgia and incorporated in the State of Missouri, having a registered agent for service of process, to-wit: Corporation Service Company, 2 Sun Court, Suite 400, Peachtree Corners, Georgia 30092 and said defendant is subject to the jurisdiction and venue of this Court by reason of O.C.G.A. Section 9-10-91 and facts alleged herein.

5.

Defendant Davis Express, Inc. qualified as either a motor common carrier or a motor contract carrier under the laws of the State of Georgia; and Davis Express, Inc. was the owner of the tractor-trailer rig which was being operated as such by Defendant, Bert Walock, at all times herein described.

6.

On the day and at the time hereinafter described, Arch Insurance Company had in full force and effect either a policy of motor vehicle liability insurance or a surety bond for protection of members of the general public against injuries and deaths proximately caused by the negligent operation of tractors and trailers by Defendant, Davis Express, Inc. and Defendant, Bert Walock, who was operating the subject vehicle at the time in question, while on public streets, roads and highways; and said Company, having a policy of direct obligation or a surety bond, in

accordance with the laws of the State of Georgia, is liable in this suit.

7.

By virtue of the facts alleged herein, the Superior Court of Dougherty County is the Court of proper jurisdiction and venue in this action as the action upon which this Complaint is based upon occurred in Dougherty County, Georgia.

FACTUAL ALLEGATIONS

8.

On or about December 1, 2021, Defendant, Davis Express, Inc., owned the 2019 Freightliner Cascadia, and the attached trailer, operated by Defendant, Bert Walock, and involved in the subject incident.

9.

On or about December 1, 2021, at or around 5:21 a.m., Defendant, Bert Walock, was operating the above-described tractor-trailer rig and was performing his duties in the course and scope of his employment with Defendant, Davis Express, Inc. and in the prosecution of the business of his employer.

10.

On or about December 1, 2021, at or around 5:21 a.m., Plaintiff, Joshua Michael Lunsford, was traveling west on GA 520B in the left hand lane of travel, near its intersection with Hill Road in Albany, Dougherty County, Georgia.

11.

On the same date, and at the same time, the tractor-trailer rig being driven by Defendant,

Bert Walock, was also traveling west on GA 520B in the left hand lane of travel, near its intersection with Hill Road in Albany, Dougherty County, Georgia.

12.

Defendant, Bert Walock, attempted to make an improper U-turn, thereby causing a collision with the vehicle being operated by Plaintiff, Joshua Michael Lunsford.

13.

Defendant, Bert Walock, failed in his duty to perform a proper visual search and/or recognize and/or react to the hazards presented by the intersection in violation of the Federal Motor Carrier Safety Regulations.

NEGLIGENCE

14.

Plaintiff, Joshua Michael Lunsford, alleges that Defendant, Bert Walock, was negligent and careless in his operation of the tractor-trailer rig he was driving on a Georgia highway.

15.

Defendant, Bert Walock, a commercial driver, breached the duty of care owed to Plaintiff, Joshua Michael Lunsford, in some or all of the following ways:

- 1) Making an improper U-turn, which is negligence per se pursuant to O.C.G.A. §40-6-121;
- 2) Failure to exercise due care in violation of O.C.G.A. §40-6-241 and O.C.G.A. §40-6-241.1;
- 3) Failure to keep his motor vehicle under proper control; and

- 4) Failure to keep a safe look-out while operating a commercial tractor-trailer on a Georgia highway.

16.

Plaintiff, Joshua Michael Lunsford, alleges that Defendant, Davis Express, Inc., a motor carrier, was negligent in failing to implement effective management controls to ensure compliance with the reasonable industry standards of care as required by and in violation of the Federal Motor Carrier Safety Regulations.

17.

Plaintiff, Joshua Michael Lunsford, alleges that Defendant, Davis Express, Inc., was negligent in failing to establish and/or implement a safety program sufficient enough to affect/change/reinforce Defendant Bert Walock's, performance and attitude toward safety as required by and in violation of the Federal Motor Carrier Safety Regulations.

LIABILITY

18.

Defendant, Bert Walock, is directly liable to the Plaintiff, Joshua Michael Lunsford, for his negligence.

19.

Defendant, Davis Express, Inc., is directly liable in this action for any damage or injury caused by Defendant, Bert Walock's, operation of the tractor-trailer rig provided to him by Defendant, Davis Express, Inc., to the same extent Defendant, Bert Walock, is liable.

20.

Defendant, Davis Express, Inc., is vicariously liable under the doctrine of respondeat superior in this action for the negligence of Defendant, Bert Walock, in operating the tractor-trailer rig provided by them over the highways of Georgia, when they knew, or in the existence of ordinary care would have known, Defendant, Bert Walock, was not able to do so safely and it was likely some injury would result if he was permitted to operate their tractor-trailer rig on the highways of Georgia.

21.

Defendant, Davis Express, Inc., a motor carrier is directly liable for negligently hiring and contracting with Defendant, Bert Walock, and failing to comply with Federal Motor Carrier Safety Regulations.

DIRECT ACTION

22.

Defendant, Arch Insurance Company, is subject to a direction action as the insurer of Defendant, Davis Express, Inc., and Defendant, Bert Walock, pursuant to O.C.G.A. Section 40-2-140.

23.

Defendant, Arch Insurance Company, was the insurer of Defendant, Davis Express, Inc., and Defendant, Bert Walock, at the time of the subject incident and issued a liability policy to comply with the filing requirements under Georgia law for inter-intrastate transportation.

24.

Defendant, Arch Insurance Company, is responsible for any judgment rendered against Defendant, Davis Express, Inc., and/or Defendant, Bert Walock.

DAMAGES

25.

As a direct and proximate result of the Defendants' negligence, Plaintiff Joshua Michael Lunsford, suffered severe and permanent injuries.

26.

As a direct and proximate result of the Defendants' negligence, Plaintiff Joshua Michael Lunsford, has thus far incurred medical expenses in the amount of \$756,198.80 from medical providers that include, but are not limited to, the following:

A)	Air Evac LifeTeam	\$ 65,442.00
B)	Medical Center of Central Georgia	\$ unknown
C)	Navicent Orthopedic and Trauma Center	\$ unknown
D)	Phoebe Worth Family Medicine	\$ unknown
E)	Central Georgia Rehabilitation Hospital	\$ unknown
F)	Phoebe Worth Medical Center	\$ unknown
G)	Dougherty County EMS	\$ 787.70
H)	Phoebe Putney Memorial Hospital	\$ unknown
I)	Atrium Heath Navicent	\$688,627.10
J)	Phoebe Physician Group	\$ 1,342.00

K)	Phoebe Home Care	\$ unknown
L)	Dr. Robert Blackwell	\$ unknown

27.

As a direct and proximate result of the Defendants' negligence, Plaintiff, Joshua Michael Lunsford, has suffered damages as a result of his past, present and future pain and suffering in an amount to be determined at the time of trial.

28.

Defendant, Bert Walock's, failure to comply with the minimum standards set out by the Federal Motor Carrier Regulations shows a conscious indifference of the consequence to others and therefore entitled the Plaintiff to punitive damages.

29.

Davis Express, Inc.'s failure to comply with the minimum standards set out by the Federal Motor Carrier Regulations shows a conscious indifference of the consequence to other and therefore entitled the Plaintiff to punitive damages.

Wherefore, Plaintiff prays as follows:

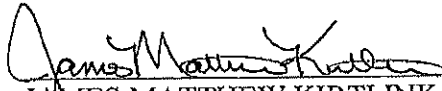
- (a) That process issue and the Defendants be served as required by law,
- (b) A trial by jury,
- (c) Judgment be granted in favor of the Plaintiff and against the Defendants for special damages in an amount to be determined by the enlightened conscience of the jury,
- (d) Judgment be granted in favor of the Plaintiff and against the

Defendant for general damages in an amount to be determined at the time of trial by the enlightened conscience of a fair and impartial jury for Plaintiff's past, present and future pain and suffering;


- (e) That judgment be granted in favor of the Plaintiff and against the Defendants for punitive damages in an amount to be determined at the time of trial; and
- (f) That the Plaintiff have such other and further relief that the Court may deem just and proper, as permitted under Georgia law.

Respectfully submitted,

KENNETH S. NUGENT, P.C.


JAMES MATTHEW KIRTLINK
mkirtlink@attorneykennugent.com
State Bar No. 424069
Attorney for Plaintiff

208 North Westover Blvd.
Albany, Georgia 31707
(229) 420-3660


JAN P. COHEN
jcohen@attorneykennugent.com
State Bar No. 174337
Attorney for Plaintiff
*Executed by James Matthew Kirtlink
w/express permission - State Bar No. 424069*

4227 Pleasant Hill Road
Building 11, Suite 300
Duluth, Georgia 30096
(404) 875-0900



Notice of Service of Process

null / ALL
Transmittal Number: 25165446
Date Processed: 07/05/2022

Primary Contact: Regan Shulman
Arch Insurance Group, Inc.
Harborside 3, 210 Hudson St
Ste 300
Jersey City, NJ 07311

Electronic copy provided to: Barbie Low
Candace Beboe
Kelvin Bolton
Francine Petrosino
Melissa Gilligan
Christine Antoszczak
Seema Misra
Joe Hornik

Entity: Arch Insurance Company
Entity ID Number 2654070

Entity Served: Arch Insurance Company

Title of Action: Joshua Michael Lunsford vs. Bert Walock

Matter Name/ID: Joshua Michael Lunsford vs. Bert Walock (12521438)

Document(s) Type: Summons/Complaint

Nature of Action: Contract

Court/Agency: Dougherty County Superior Court, GA

Case/Reference No: SUCV2022000531

Jurisdiction Served: Georgia

Date Served on CSC: 07/05/2022

Answer or Appearance Due: 30 Days

Originally Served On: CSC

How Served: Personal Service

Sender Information: Kenneth S. Nugent, P.C.
229-420-3660

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | sop@cscglobal.com

22020108

Civil Action No. 51CV30220-0531Date Filed 5/26/2022Superior Court ☒State Court ☐

Georgia, DOUGHERTY COUNTY

Attorney's Address

JAMES MATTHEW KIRKINK, Esq.
 KENNETH S. NUGENT, PC
 208 NORTH WASTON BLVD.
 ALBANY GEORGIA 31707

Name and Address of Party to be Served

ARCH INSURANCE COMPANY
 110 CORPORATION SERVICE COMPANY
 250A COURT, SUITE 400
 PRAIRIE PLOWS, GA 30092

Jessica Michael Lunsford
 Plaintiff

VS.

Bert Walick
 DAVIS EXPRESS, INC.
 and ARCH INSURANCE COMPANY
 Defendants

Garnishee

SHERIFF'S ENTRY OF SERVICE

☐ I have this day served the defendant _____ personally with a copy of the within action and summons.

☐ I have this day served the defendant _____ by leaving a copy of the action and summons at his most notorious place of abode in this County.

☐ Delivered same into hands of _____ described as follows age, about _____ years; weight, about _____ pounds; height, about _____ feet and _____ inches, domiciled at the residence of defendant.

☒ Served the defendant ARCH INSURANCE COMP a corporation by leaving a copy of the within action and summons with Aisha Smith in charge of the office and place of doing business of said Corporation in this County.

☐ I have this day served the above styled affidavit and summons on the defendant(s) by posting a copy of the same to the door of the premises designated in said affidavit, and on the same day of such posting by depositing a true copy of same in the United States Mail, First Class in an envelope properly addressed to the defendant(s) at the address shown in said summons, with adequate postage affixed thereon containing notice to the defendant(s) to answer said summons at the place stated in the summons.

☐ Diligent search made and defendant _____ not to be found in the jurisdiction of this Court.

This 5 day of JULY, Yr. 2022

Shirley Collins
 DEPUTY

SHERIFF DOCKET _____ PAGE _____

DOUGHERTY COUNTY, GEORGIA

WHITE: Clerk CANARY: Plaintiff Attorney PINK: Defendant

PERSONAL
 NOTORIOUS
 CORPORATION
 TACK & MAIL
 NON EST

**SUPERIOR COURT OF DOUGHERTY COUNTY
STATE OF GEORGIA**

FILED IN OFFICE
CLERK OF SUPERIOR COURT
DOUGHERTY COUNTY, GEORGIA
SUCV2022000531
3091
MAY 20, 2022 11:13 AM


Evonne S. Mull, Clerk
Dougherty County, Georgia

CIVIL ACTION NUMBER SUCV2022000531
Lunsford, Joshua Michael

PLAINTIFF

VS.

Walock, Bert
Davis Express, Inc.
Arch Insurance Company

DEFENDANTS

SUMMONS

TO: ARCH INSURANCE COMPANY

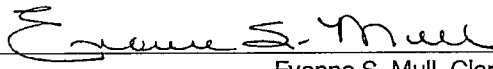
You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

**James Kirtlink
Kenneth S. Nugent, P.C.
208 North Westover Blvd
Albany, Georgia 31707**

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 20th day of May, 2022.

Clerk of Superior Court


Evonne S. Mull, Clerk
Dougherty County, Georgia

 **FILED IN OFFICE**
CLERK OF SUPERIOR COURT
DOUGHERTY COUNTY, GEORGIA
SUCV2022000531
3091
MAY 20, 2022 11:13 AM

Evonne S. Mull
Evonne S. Mull, Clerk
Dougherty County, Georgia

IN THE SUPERIOR COURT OF DOUGHERTY COUNTY

STATE OF GEORGIA

JOSHUA MICHAEL LUNSFORD

Plaintiff,

vs.

BERT WALOCK,
DAVIS EXPRESS, INC.
and ARCH INSURANCE COMPANY,

Defendants.

CIVIL ACTION
FILE NO.:

COMPLAINT

COMES NOW, Joshua Michael Lunsford, Plaintiff in the above-styled action and files this, his COMPLAINT against Defendants, BERT WALOCK, DAVIS EXPRESS, INC. and ARCH INSURANCE COMPANY showing the Court the following:

PARTIES, JURISDICTION AND VENUE

1.

Plaintiff, Joshua Michael Lunsford, is now and was at all times relevant to the subject incident, a resident of the State of Georgia.

2.

Defendant, Bert Walock, is a resident of Coffee Springs, Geneva County, Alabama.

3.

Defendant, Davis Express, Inc., is a foreign profit corporation conducting business in the State of Georgia and incorporated in the State of Florida, having a registered agent for service of

In the Superior Court of Dougherty County
State of Georgia
Joshua Michael Lunsford vs Bert Walock, Individually and as
an Agent of Davis Express, Inc., Davis Express, Inc. and ARCH Insurance Company
COMPLAINT
Page 1 of 9

process, to wit: Putnam C. Smith, 112 North Main Street, Cumming, Georgia 30040; and said defendant is subject to the jurisdiction and venue of this Court by reason of O.C.G.A. Section 9-10-91 and facts alleged herein.

4.

Defendant Arch Insurance Company, is a foreign insurance company that conducts business in the State of Georgia and incorporated in the State of Missouri, having a registered agent for service of process, to-wit: Corporation Service Company, 2 Sun Court, Suite 400, Peachtree Corners, Georgia 30092 and said defendant is subject to the jurisdiction and venue of this Court by reason of O.C.G.A. Section 9-10-91 and facts alleged herein.

5.

Defendant Davis Express, Inc. qualified as either a motor common carrier or a motor contract carrier under the laws of the State of Georgia; and Davis Express, Inc. was the owner of the tractor-trailer rig which was being operated as such by Defendant, Bert Walock, at all times herein described.

6.

On the day and at the time hereinafter described, Arch Insurance Company had in full force and effect either a policy of motor vehicle liability insurance or a surety bond for protection of members of the general public against injuries and deaths proximately caused by the negligent operation of tractors and trailers by Defendant, Davis Express, Inc. and Defendant, Bert Walock, who was operating the subject vehicle at the time in question, while on public streets, roads and highways; and said Company, having a policy of direct obligation or a surety bond, in

accordance with the laws of the State of Georgia, is liable in this suit.

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By virtue of the facts alleged herein, the Superior Court of Dougherty County is the Court of proper jurisdiction and venue in this action as the action upon which this Complaint is based upon occurred in Dougherty County, Georgia.

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On or about December 1, 2021, Defendant, Davis Express, Inc., owned the 2019 Freightliner Cascadia, and the attached trailer, operated by Defendant, Bert Walock, and involved in the subject incident.

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- | | | |
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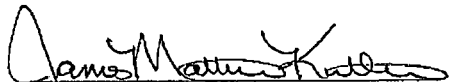
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State Bar No. 424069
Attorney for Plaintiff

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Albany, Georgia 31707
(229) 420-3660


JAN P. COHEN
jcohen@attorneykennnugent.com
State Bar No. 174337
Attorney for Plaintiff
*Executed by James Matthew Kirtlink
w/express permission - State Bar No. 424069*

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Duluth, Georgia 30096
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